

**To:** Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]  
**From:** Natarajan, Nitin  
**Sent:** Wed 2/12/2014 2:15:31 PM  
**Subject:** RE: Another significant W Va Spill

Hope all is well. Based on reporting we saw overnight from DHS, it appears that this is just an environmental issue with no public health effects or concerns at this time. We've just been asked to report on what the agencies are doing (or not doing if this is being handled by the state). Any additional info?

Thanks again.

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Nitin Natarajan  
Director, Critical Infrastructure Policy  
National Security Staff  
The White House  
Office  
Cellular

Ex. 6 - Personal Privacy

-----Original Message-----

From: Stanislaus, Mathy [mailto:Stanislaus.Mathy@epa.gov]  
Sent: Tuesday, February 11, 2014 6:02 PM  
To: Natarajan, Nitin; McConville, Drew; King, Heather; Johnson, Ann  
Subject: Re: Another significant W Va Spill

Another article

AP story on this, citing WV DEP, claims MCHM was in the slurry:

WINIFREDE, W.Va. (AP) - An unknown amount of coal slurry containing the chemical crude MCHM spilled from a preparation plant into a tributary of the Kanawha River on Tuesday, the West Virginia Department of Environmental Protection said.

Crude MCHM is the same chemical that spilled from a Freedom Industries storage tank into the Elk River in Charleston on Jan. 9, tainting the water supply of 300,000 residents in nine counties.

The slurry spilled into Fields Creek from the Kanawha Eagle preparation plant near Winifrede sometime between midnight Monday and 5:30 a.m. when a slurry line ruptured. There are not any public water intakes immediately downstream from the plant, Aluisse said in a news release.

West Virginia American Water said it does not expect the slurry spill to affect its treatment plant on the Elk River.

"Our employees are working on behalf of our customers with local and state officials to gather additional information. We have been in contact with the West Virginia Bureau for Public Health, which concurs that they do not anticipate any impact to our plant on the Elk River," West Virginia American Water spokeswoman Laura Jordan said in a statement.

Crews were working to contain the spill Tuesday, Aluisse said.

The company told the DEP that the plant uses Flomin 110-C, a frothing chemical that contains crude MCHM. Inspectors with the DEP collected water samples from the creek on Tuesday for testing to be conducted by ALS Laboratory in South Charleston, Aluisse said.

Aluise said enforcement against is pending against the company.

A Patriot Coal spokesman did not have an immediate comment on the spill.

From: Capacasa, J

From: Natarajan, Nitin { **Ex. 6 - Personal Privacy** }  
Sent: Tuesday, February 11, 2014 5:45:08 PM  
To: Stanislaus, Mathy; McConville, Drew; King, Heather; Johnson, Ann  
Subject: Re: Another significant W Va Spill

Great thanks! I'm sure we'll need to report over to the suite on this so let us know as you hear more.

Thanks again!

N

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Nitin Natarajan  
Director, Critical Infrastructure Policy National Security Staff The White House  
**Ex. 6 - Personal Privacy** Office  
Cellular

----- Original Message -----

From: Stanislaus, Mathy [mailto:Stanislaus.Mathy@epa.gov]  
Sent: Tuesday, February 11, 2014 05:39 PM  
To: Natarajan, Nitin; McConville, Drew; King, Heather; Johnson, Ann  
Subject: Another significant W Va Spill

We're gathering facts but chemical Crude MCHM in its coal-cleaning process - the same chemical as the Elk River spill - is reporting to have been used on site. We're not aware of water intakes but continue to gather facts. I'll pass on as we get it

<http://www.wvgazette.com/News/201402110032>

CHARLESTON, W.Va. -- More than 100,000 gallons of coal slurry poured into an eastern Kanawha County stream Tuesday in what officials were calling a "significant spill" from a Patriot Coal processing facility.

Emergency officials and environmental inspectors said that roughly six miles of Fields Creek had been blackened and that a smaller amount of the slurry made it into the Kanawha River near Chesapeake.

"There has been a significant environmental impact," said Harold Ward, acting director of the state Department of Environmental Protection's Division of Mining and Reclamation.

The incident occurred at Patriot Coal's Kanawha Eagle operation, Ward said.

Initially, Dale Petry, director of emergency services for Kanawha County, said that an eight-inch slurry line between the preparation plant and the company's refuse impoundment ruptured, sending an underdetermined amount of coal waste into the creek before the flow was stopped.

Later, DEP officials said they had determined that the spill was caused by a malfunction of a valve inside the slurry line carrying material from the preparation plant to a separate disposal site, not to an impoundment.

Patriot officials did not immediately respond to a request for comment.

Earlier on Tuesday, Kanawha County emergency officials referred questions about the incident to the

state Department of Military Affairs and Public Safety.

Jimmy Gianato, director of the MAPS Division of Homeland Security and Emergency Management, said he didn't have a lot of details on the incident, but was under the impression it wasn't that serious.

"I don't think there's really anything to it," Gianato said. "It turned out to be much of nothing."

There were also conflicting reports about when the incident occurred and when it was reported to the state.

Petry said that the incident occurred at about 6:15 a.m., and the company reported it to the state at 7:12 a.m. He said the incident should have been reported more promptly to local officials.

"I have problems with that," Petry said. "I need to know about it a little bit sooner."

Aluise, though, said the information he had indicated that the spill occurred sometime between midnight and 5:30 a.m. Company officials turned off the pump that sends slurry from the preparation plant to the impoundment at about 5:30 a.m., Aluise said.

The company called the incident in to the state's spill line at 7:42 a.m., Aluise said.

Aluise characterized the incident as "a significant spill."

Ward said that DEP officials were later able to narrow the timeline, concluding that the spill occurred during a roughly three-hour window and involved a maximum of 108,000 gallons of slurry.

Aluise said that the facility uses the chemical Crude MCHM in its coal-cleaning process, and that DEP was testing the water in the spill area for that chemical.

Coal slurry contains a variety of substances that could be more toxic than Crude MCHM, including other coal-cleaning chemicals and various metals.

Aluise noted that there were no drinking water intakes in the immediate vicinity of the spill.

Laura Jordan, a spokeswoman for West Virginia American Water, issued a statement to reassure the public that the slurry spill would not impact the company's regional drinking water plant in Charleston -- which is located about a mile upstream from where the Elk River empties into the Kanawha.

"Our employees are working on behalf of our customers with local and state officials to gather additional information," Jordan said. "We have been in contact with the West Virginia Bureau for Public Health, which concurs that they do not anticipate any impact to our plant on the Elk River."

Coalfield citizens have for years complained about blackwater spills, and worried about the dangers of coal-slurry impoundments and the potential consequences of injecting coal slurry underground.

A little more than four years ago, the U.S. Office of Surface Mining Reclamation and Enforcement issued a report that cautioned the DEP was not taking strong enough enforcement actions to cut down on blackwater spills from mining operations.

"The team found that existing policies and procedures are not effective in reducing or preventing blackwater spills," said the OSM report, issued in October 2009.

DEP officials rejected OSM's suggestion that DEP re-examine its rules and policies on blackwater spills, arguing that the incidents were on the decline.

"The violation rate for blackwater spills is going down," Tom Clarke, then-DEP's mining director, said at the time. "The figures show it's a declining problem."

After a series of blackwater spills from 2001 to 2003, OSM had launched a review of how well DEP was policing such incidents.

Among other things, the 2009 OSM report found it hard, using DEP inspection reports and databases, to definitively quantify the number of blackwater spills. When spills occur, state inspectors cite companies for violating different regulations, and inspection narratives don't always explain clearly what happened, OSM said.

The lack of clear data may lead some operators to face less serious enforcement action than they should, and may hurt DEP's ability to cite companies for a "pattern of violation," which can lead to operations being shut down and operators being blocked from receiving new permits.

OSM investigators also found that other strategies - including settlement agreements with mine operators and federal criminal prosecution - don't always work in stopping future blackwater spills.

"It appears that the consequences for violating the law, even when the violations are intentional, willful and blatant, are not significant enough to be a deterrent," the OSM report said.

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